



U.S. Department of Justice

United States Attorney  
Southern District of New York

86 Chambers Street  
New York, New York 10007

January 4, 2023

**By ECF**

The Honorable Katherine Polk Failla  
United States District Court  
Southern District of New York  
40 Foley Square, Room 2103  
New York, New York 10007

**MEMO ENDORSED**

Re: *Melody Business Finance, LLC v. Falcone, et al.*, No. 22-CV-1698 (KPF)

Dear Judge Failla:

This Office represents the United States of America (the “Government”) in the above-referenced action. We write respectfully on behalf of the Government and Plaintiff Melody Business Finance, LLC (“Melody”) (together, the “Parties”) to request jointly a referral to a magistrate judge for a settlement conference and a stay of discovery until after that conference so that the parties may focus their efforts on settlement.

Both the Government and Melody have completed their document productions, document discovery in this case is substantially complete, and the Parties expect to begin taking fact depositions next week.<sup>1</sup> Based on the discovery that has taken place to date, the Parties believe they are now in a position to discuss settlement and would like to do so before incurring the expenses associated with these depositions. To that end, the Parties respectfully request referral to a magistrate judge for a settlement conference and a stay of all discovery while they pursue this course. In the event that a settlement conference is not successful, the parties will promptly notify the Court of that fact and complete fact and expert discovery in the amount of time remaining on the schedule. This is the Parties’ first request for a referral to a magistrate judge for settlement purposes and first request for a discovery stay. Philip Falcone, Lisa M. Falcone, and Three Hundredth Street LLC consent to the request.

We thank the Court for its consideration of this request.

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<sup>1</sup> While the Government and Melody have completed their document productions, a few categories of documents are still expected from others. Specifically, the Government has requested, but not yet received, a production of communications from Philip Falcone. In addition, after learning from documents in Melody’s production that Jeffries, LLC was involved in one of the transactions at issue in this case, on December 9, 2022, the Government subpoenaed Jeffries for documents related to that transaction that have not yet been produced.

Respectfully submitted,

DAMIAN WILLIAMS  
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By: /s/ Jennifer Jude  
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cc: all counsel of record (by ECF)

Application GRANTED. The Court will separately issue a referral order to Magistrate Judge Aaron. Discovery is hereby STAYED pending further order of the Court so that the parties can focus their efforts on settlement. Accordingly, the post-fact conference currently scheduled for February 10, 2023, is hereby ADJOURNED *sine die*.

The Clerk of Court is directed to terminate the pending motion at docket number 45.

Dated: January 4, 2023  
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE